

VZCZCXYZ0008
OO RUEHWEB

DE RUEHML #1968/01 1280839
ZNY CCCCC ZZH
O 080839Z MAY 06
FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0882
INFO RHHMUNA/CDRUSPACOM HONOLULU HI PRIORITY
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

C O N F I D E N T I A L MANILA 001968

SIPDIS

SIPDIS

DEPT FOR EAP, EAP/MTS, L/EAP, EAP/PD

E.O. 12958: DECL: 05/05/2016
TAGS: [PREL](#) [MARR](#) [KCRM](#) [CASC](#) [RP](#)
SUBJECT: MARINE CASE UPDATE 5/5/06

REF: A. MANILA 1866

[1](#)B. MANILA 1841 AND PREVIOUS

Classified By: Ambassador Kristie A. Kenney for reasons 1.4
(b) and (d).

[1](#)1. (C) Summary. On May 3, the Ambassador raised concerns over the alleged rape case with Philippine Defense Secretary Avelino Cruz, a strong supporter of the Visiting Forces Agreement. Cruz was sympathetic to U.S. concerns over the potential politicization of the case, but believed that the case was proceeding reasonably well, in spite of the emotional climate surrounding it. The Ambassador has also raised the case with other senior GRP officials, and will continue to do so. Lawyers for the four Marines believe that the case is unlikely to conclude within one year, and discounted the importance of the prosecution's new high-profile attorneys. Post is preparing a list of productive activities to keep the Marines occupied while in U.S. custody in Manila, while limiting their exposure to locally employed staff and the public. End Summary.

MISSION SUPPORT

[1](#)2. (C) The Ambassador continues to raise concerns over the possible politicization of the alleged rape case involving U.S. Marines as she meets with senior GRP officials. In recent meetings with Defense Secretary Avelino Cruz as well as with several key senators, the Ambassador has stressed the USG's interest in protecting the rights of the Marines as the judicial process unfolds. She has also underscored the significant attention this case has garnered in Washington and the importance of maintaining international judicial standards. The Ambassador will continue to raise these points in her meetings with other senior GRP official in the coming weeks.

[1](#)3. (C) GRP officials have privately expressed their understanding of U.S. concerns while acknowledging aspects of the case that continue to prove frustrating, including the media frenzy at the Marines' first court appearance and the addition of three political figures to the prosecution's legal team (ref A). Secretary Cruz told the Ambassador on May 3 that, in spite of the emotional climate surrounding the case, it was proceeding in a reasonable manner consistent with both governments' interest in justice and rule of law. Senator Richard Gordon echoed these comments in his discussion with the Ambassador, as did former President Fidel Ramos in a conversation with the DCM. Justice Secretary Raul Gonzalez expressed similar sentiments to the Ambassador recently, and reiterated his position that justice would best

be served if the charges against SSgt Carpentier, LCpl Duplantis, and LCpl Silkwood were reduced, as DOJ had recommended to the prosecutors (see para 5).

RECENT DEVELOPMENTS

¶4. (C) On May 3, III Marine Expeditionary Force (MEF) Staff Judge Advocate Colonel Peter Collins met with attorneys for all four Marines. The attorneys opined that the legal process will be long, and is unlikely to conclude within the one-year period stipulated by the Visiting Forces Agreement. When asked about the potential impact on the case of three high-profile lawyers who have recently joined the private prosecution team, the defense attorneys suggested that the development was unimportant and more likely linked to domestic politics than to the case itself. The Marines' attorneys also requested U.S. Department of Defense assistance in evaluating a medical certificate, which is likely to be used as evidence in the upcoming trial.

¶5. (U) The attorneys for the Marines are awaiting a ruling by the Court of Appeals regarding a defense motion filed on May 3 to overturn Judge Benjamin Pozon's rejection of the public prosecutor's motion to downgrade charges against three of the Marines in accordance with the resolution issued by Department of Justice (ref A). No date has been set for the ruling.

¶6. (C) The attorneys for LCpl Daniel Smith, LCpl Domanic Duplantis, and LCpl Keith Silkwood also stated that they and their clients had no intention of using local media to explain their case. Attorneys for SSgt Chad Carpentier, however, indicated that they are considering a proactive media strategy.

NEXT STEPS

¶7. (SBU) In an effort to provide the Marines with meaningful occupation while in USG custody in Manila, Post is currently developing a list of productive activities that the Marines are capable of performing and in which they might be engaged on the Chancery grounds. At least some of these jobs would utilize the Marines' specific expertise. We will ensure, however, that the activities do not expose the Marines publicly, nor create the impression among any locally employed staff that the Marines are in a normal work status.

Visit Embassy Manila's Classified SIPRNET website:
<http://www.state.sgov.gov/p/eap/manila/index.cfm>

You can also access this site through the State Department's Classified SIPRNET website:
<http://www.state.sgov.gov/>
Kenney